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AN ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS TO THE NEW HAVEN CODE OF ORDINANCES AMENDING CHAPTER 17 BY ADDING ARTICLE XIX TO ESTABLISH TOBACCO AND SMOKING RETAIL LICENSE REQUIREMENTS; UPDATING LICENSING FEES IN ARTICLE XX. - FEES AND CHARGES, AS APPLICABLE TO THESE RETAILERS; AND UPDATING CHAPTER 16, ARTICLE VI REGARDING THE PROHIBITION OF TOBACCO, SMOKING, VAPOR, AND NICOTINE PRODUCTS.

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Whereas, it is the public policy of the city to reduce the exposure of children to the marketing of tobacco, nicotine, and smoking products in order to promote their health, safety, and welfare;

Whereas, the city finds the use of these products have prevalent, material, and predictable harmful impacts on the health of individuals and pose a significant threat to the public health of its inhabitants;

Whereas, thousands of users of tobacco and smoking products and other individuals exposed to second-hand smoke die or are stricken with illnesses every year that are attributed to tobacco and smoking products use;

Whereas, tobacco and smoking products advertising, whether intended to promote tobacco, smoking, vaping, and nicotine products use or only to compete for market share, has the consequence of promoting tobacco, smoking, vaping, and nicotine products use;

Whereas, tobacco, smoking, vaping, and nicotine products advertising helps significantly entice children and youth to initiate tobacco, smoking, vaping, and nicotine products use;

Whereas, children and youth are more receptive than adults to the clever images and messages contained in tobacco, smoking, vaping, and nicotine products advertising and are likely to purchase the most heavily-advertised brands;

Whereas, exposure to tobacco, smoking, vaping, and nicotine products marketing, adult and peer usage are the greatest risk factors for teenage children and youth that decide to use these products;

Whereas, of these, exposure to marketing is the greatest risk factor;

Whereas, the prohibition on sales to children and youth is useful but is insufficient alone to discourage tobacco, smoking, vaping, and nicotine products use among children and youth;

Whereas, the city believes that additional measures must be taken to reduce the exposure of children and youth to tobacco, smoking, vaping, and nicotine products advertising;

Whereas, pursuant to the statutes of the State of Connecticut, the city has the power to regulate and prohibit any trade or business, which is or may become prejudicial to public health, and may make lawful regulations and chapters in furtherance of public health;

Whereas, to encourage the protection of the public health, the city seeks to reduce the exposure of children and youth to tobacco, smoking, vaping, and nicotine products sales, marketing, and use by taking measures that include:

1. Prohibiting certain outdoor advertising in public places and certain indoor advertising of tobacco, smoking, vaping, and nicotine products in places likely to be frequented by children and youth;
2. Prohibiting the marketing of tobacco, smoking, vaping, and nicotine products in proximity to schools, parks, and other locations frequented by children and youth;
3. Prohibiting certain tobacco, smoking, vaping, and nicotine products marketing methods that are aimed at children and youth that are likely to induce or encourage the use of these products among children and youth;
4. Creating a permit system with penalties as a means of enforcing the requirements of this article on those who sell tobacco, smoking, vaping, and nicotine products; and
5. Prohibiting the use of tobacco, smoking, vaping, and nicotine products at all schools located within the city.

Whereas, it is the public policy of the city to reduce the access by youth to tobacco, smoking, vaping, and nicotine products to promote the health, safety, and welfare of New Haven's youth;

Whereas, raising the minimum legal sale and distribution age for all tobacco, smoking, vaping, and nicotine products to twenty-one (21) years old reduces access to these products by youth, as teens often acquire such products from social networks, including older friends, as the vast majority of those providing tobacco, smoking, vaping, and nicotine products for youth aged seventeen (17) years old and under are themselves between eighteen (18) and twenty (21) years old and are able to purchase legally;

Whereas, select findings from the 2023 Connecticut School Health Survey (CSHS) reflect the current use of tobacco and smoking products is reported at 11.5 percent among Connecticut high school students, with usage rising to 15.8 percent for 12th graders;

Whereas, thirty-five percent (35%) of high school students reported they had been exposed to smoke or vapor from someone else who was smoking or vaping;

Whereas, the CSHS survey shows the vast majority of youth (92% of vaping users) are using flavored vaping devices;

Whereas, the Institute of Medicine predicted in a 2015 report that raising the minimum legal sales age for tobacco and smoking products to twenty-one (21) nationwide will have a substantial positive impact on public health and provide long-term declines in smoking rates by reducing tobacco and smoking products initiation among youth aged fifteen-to-seventeen (15-17) by twenty-five percent (25%) and overall prevalence of tobacco and smoking products use by twelve percent (12%);

Whereas, the city believes that additional measures must be taken to reduce youth access to all tobacco, smoking, vaping, and nicotine products;

Whereas, pursuant to the statutes of the State of Connecticut, the city has the power to regulate and prohibit any trade or business which is or may become harmful to public health and may make lawful regulations and chapters in furtherance of public health;

Whereas, to encourage the protection of public health, the city seeks to prevent and reduce youth access to tobacco, smoking, vaping, and nicotine products by taking measures that include:

1. Prohibiting the sale of all tobacco, smoking, vaping, and nicotine products to persons under the age of twenty-one (21) years old;
2. Requiring tobacco, smoking, vaping, and nicotine products retailers to verify age by examining valid identification;
3. Requiring tobacco, smoking, vaping, and nicotine products retailers to display signage that informs people that "The sale of tobacco, nicotine, and smoking products to persons under twenty-one (21) years old is prohibited;" and
4. Using the tobacco, smoking, vaping, and nicotine products permit system as a means of enforcing the requirements of this article; and

Whereas, the licensing requirements for tobacco, smoking, vaping, and nicotine products retailers shall take effect on September 1, 2025, to give retailers time to comply.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the New Haven Board of Alders that the following chapters of New Haven's Code of Ordinances be amended: Chapter 17 by adding Article XIX, "Tobacco, Nicotine, Vapor, and Smoking Retail License;" Chapter 17, Article XX – Fees and Charges, as applicable to these retailers; and Chapter 16, Article VI regarding the prohibition of tobacco, smoking, vapor, and nicotine products as incorporated herein by reference.

BE IT FURTHER ORDAINED by the New Haven Board of Alders that the mayor is hereby authorized and empowered to execute, acknowledge, and deliver all documents as may be needed or appropriate to implement and effect the intent and purposes set forth in this Order.

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ARTICLE XIX. - TOBACCO AND SMOKING PRODUCTS RETAIL LICENSE

Sec. 17-177. - Provisions of Article I apply.

The provisions contained in Article I "Licenses and Permits in General," of this chapter apply to the activities regulated by this article.

Sec. 17-178. - Short title.

This article shall be known and cited as the "City of New Haven's Tobacco and Smoking Retail License."

Sec. 17-179. - Definitions.

When used in this chapter, the following words and terms shall have the following meanings:

Public park means any public park of the city, whether designated as a park, park land, open space, or recreation area on the master plan of the city or on local zoning, assessment, engineering, or geographic information system maps, as well as any other location used as a park within the city.

Public place means any public area, including public parks and schools, where a tobacco and smoking product advertisement is located or from which a tobacco and smoking product advertisement on public or private property can be seen, including, but not limited to, advertisements on billboards, buildings, store fronts, public transportation vehicles including buses, taxicabs, government real property, and tobacco and smoking products advertisements at all places of public convenience frequented or likely to be frequented by children and youth, including without limitation sports or entertainment facilities, fields, and arenas open to the public, except for adult establishments such as bars, nightclubs, and other places of public entertainment where children and youth are excluded by law.

Measurement of distance between retailers of tobacco, vapor products, and smoking paraphernalia means the distance between *retailers of tobacco or vapor products* shall be measured from outside entrance to outside entrance. However, where a *retailer of tobacco or vapor products* is located within a structure of more than 50,000 square feet, the outside entrance of such location shall be the outer perimeter of the selling area under the permit, as shown on the approved floor plan signed by the zoning enforcement officer.

Distance restriction means the

- (1) *Distance limit to school, religious institution, public park.* No *retailer of tobacco or vapor products* shall be permitted to locate, relocate, or remove to any location where the outside entrance of such location is within 1,000 feet from the property line of any school, house of worship, or public park.
- (2) *Distance limit between tobacco license or smoke shops.* No *retailer of tobacco or vapor products* shall be permitted to locate within 3,000 feet of another *retailer of tobacco or vapor products*, except as provided in New Haven Zoning Ordinance, Article V, Section 42.7(e).

Public place does not mean or include any location intended to be visible only by those inside a premises, a private residence, or a multiple dwelling unit.

School means any public, private, parochial, charitable, charter or nonprofit daycare, elementary or secondary school, junior college or university, other than a trade or business school, including instructional and recreational uses, with or without living quarters, restaurants, dining rooms, kitchens, heating plants and other support facilities for students, teachers and employees, including support to multiple facilities, student bodies, and/or teacher groups, as well as any other facilities or uses which may be approved or required in the future by the Connecticut State Department of Education.

Tobacco and smoking products means any product containing, made, or derived from tobacco or nicotine, whether natural or synthetic, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, snorted, sniffed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, cigarettes, e-liquids, cigars, little cigars, pipe tobacco, smoking products, chewing tobacco, snuff, snus, nicotine pouches, or vapors.

Tobacco and smoking products also means electronic delivery systems, including any device used to deliver nicotine or any other substance to the user of the device including, but not limited to: e-cigarettes, e-cigars, e-pipes, vapor products, or e-hookahs.

Tobacco and smoking products also means any component or accessory used in the consumption of tobacco and smoking products, whether they contain nicotine, including, but not limited to, filters, cartridges, pods, pens, rolling papers, pouches, or pipes.

Tobacco and smoking products does not mean drugs, devices, or combination products authorized for sale as a tobacco and smoking products cessation product approved by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.(FD&C Act).

Tobacco and smoking products advertisement means the use of any promotional material in any media to market tobacco and smoking products or to promote tobacco and smoking products use, including the sponsorship of sporting or entertainment events or the sponsorship of individual teams, entrants, or competitors, advertising the sale or promoting the use of tobacco and smoking products in a public place, except retailers of tobacco and smoking products who may use only tombstone advertising after such retailer obtains a *tobacco and smoking products marketing permit* pursuant to this chapter. *Tobacco and smoking products advertisement* does not mean advertisements on commercial vehicles used for transporting tobacco and smoking products or any sign that contains the name or slogan of the business located within the premises on which such sign is located, provided such sign does not contain a brand name of a tobacco and smoking product.

Tobacco and smoking products permit or permit means the permit specified herein which must be obtained from the New Haven Health Department by every retailer selling tobacco and smoking products directly to the public.

Retailer of tobacco and smoking products or retailer means any retailer whose business involves the sale of *tobacco and smoking products*. *Retailer of tobacco and smoking products* also means businesses that hold a Cigarette Dealers, Dealer of Electronic Nicotine Delivery System, or Vapor Product License.

Tobacco and smoking products sale means the actual sale, including face-to-face sales, self-service sales methods, free distribution or giveaway of *tobacco and smoking products* alone or in combination with other goods, services, merchandise, or marketing promotions, as well as the sale or distribution of individual *tobacco and smoking products* or the sale or distribution of a lesser number of *tobacco and smoking products* than the advertised count on a typical pack or container.

Tombstone advertisement means the posting in public view of announcements as to the availability of *tobacco and smoking products* and the price thereof on a sign, which shall be in a black-and-white format only and may not contain logos, artwork, imagery, slogans, or opinions about *tobacco and smoking products* or promote the use thereof.

Sec. 17-180 - Prohibited practices.

A. *Tobacco and smoking products advertisements* are prohibited in *public places* as specified in this article.

B. *Tobacco and smoking products sales* are prohibited by vending machine or other self-vending methods except in places where persons under the age of twenty-one (21) are excluded by law.

C. Marketing of *tobacco and smoking products* is prohibited in the locations and manners specified in this article.

D. *Tobacco and smoking products sales* are prohibited except in accordance with this article after obtaining a *tobacco and smoking products permit* as described below.

E. Use of *tobacco and smoking products* is prohibited on *school* properties.

Sec. 17-181 - Minimum legal sales age, signage, and enforcement.

A. No *tobacco and smoking products retailer* shall themselves, or through any agent, employee, or representative, give, sell, barter, or otherwise distribute any *tobacco and smoking products* to any person under twenty-one (21) years of age.

B. Each person selling or otherwise distributing *tobacco and smoking products* shall verify the age of the purchaser by means of a government-issued photographic identification containing the bearer's date of birth demonstrating that the purchaser is twenty-one (21) years of age or older. Verification is required for any persons who appears to be under the age of thirty (30).

1. If a person appears to be over the age of twenty-one (21) shall not constitute a defense to a violation of this article. If a person fails to provide adequate proof of age, the *tobacco and smoking products retailer* or the *tobacco and smoking products retailer's* agent, employee, or representative shall not sell any *tobacco and smoking products* to the person.

C. "THE SALE OF TOBACCO AND SMOKING PRODUCTS OR NICOTINE PRODUCTS OR DEVICES TO PERSONS UNDER 21 IS PROHIBITED" signs shall be legibly printed in letters at least one inch high and shall be posted clearly and conspicuously in every location where *tobacco and smoking products* are available for purchase. Signage shall be in English and Spanish and other languages, as needed.

D. Selling or otherwise distributing *tobacco and smoking products* any place that does not have a sign posted in a conspicuous place is prohibited by law and punishable consistent with this article.

E. This section shall be enforced by the New Haven Health Department or its designated agent(s).

1. The New Haven Health Department may conduct unannounced compliance checks and may engage persons between the ages of eighteen (18) and twenty (20) to enter licensed premises to attempt to purchase *tobacco and smoking products*. Unannounced follow-up compliance checks may take place for all noncompliant *tobacco and smoking products retailers*. The results of all compliance checks and inspections may be published by the New Haven Health Department annually.

F. Any citizen who desires to register a complaint pursuant to this article may be contacted the New Haven Health Department or its designated agent(s), and the New Haven Health Department or its designated agent(s) shall investigate.

Sec. 17-182 - Tobacco and smoking products permit procedure.

A. All *tobacco and smoking products sales* by retailers which start operations after the effective date of this chapter shall be made only after obtaining a *tobacco and smoking products permit* from the health department on a form provided and upon a demonstration of compliance with this chapter. All retailers existing prior to the effective date of this chapter may continue to make *tobacco and smoking products sales* until September 30, 2025. Starting October 1, 2025, all retailers must obtain a *tobacco and smoking products permit* pursuant to this chapter.

B. The *permit* fee shall be one hundred fifty dollars (\$150.00) per year. The permit fee shall be reviewed and adjusted annually by the New Haven Health Department and approved by the Board of Alders. The fee for a *tobacco and smoking products permit* should cover the administrative cost for licensing, education, and training, retail inspections, and unannounced compliance checks as outlined in this Chapter.

C. The duration of a *permit* shall be for one year from the date issued.

D. A *permit* shall not be transferred from one *tobacco and smoking products retailer* to another or from one location to another.

E. No *permit* shall be issued or renewed unless the *tobacco and smoking products retailer* signs a form stating that the *tobacco and smoking products retailer* has read this article and has provided training to all employees on the sale of *tobacco and smoking products*. Such training shall include information that the sale of *tobacco and smoking products* to persons under twenty-one (21) years of age is illegal, the types of identification legally acceptable for proof of age, and that sales to persons under twenty-one (21) years of age shall subject the *tobacco and smoking products retailer* to penalties.

F. A *retailer of tobacco and smoking products* premises must be open to inspection by the New Haven Health Department during regular business hours.

G. A *permit* shall be displayed and exhibited to any person upon request.

H. No *tobacco and smoking products* retailer shall engage in the sale of *tobacco and smoking products* without a valid permit.

Sec. 17-183 - Violations and Penalties.

A. Violations of this article by a *tobacco and smoking products retailer* shall be punishable by fine, , suspension, or revocation of the permit, as follows:

1. Upon a first violation of this article, the health department shall impose a fine of \$150.00.

2. If a second violation is issued within a thirty-six (36) month period, the New Haven Health Department shall impose a fine of five hundred dollars (\$500.00) and in addition to the monetary fine of five hundred dollars (\$500.00) or the maximum allowed by state statute, the *tobacco and smoking products permit* shall be suspended for a period of seven (7) calendar days.

3. If a third violation is issued within a thirty-six (36) month period, the New Haven Health Department may impose a fine of one thousand dollars (\$1,000.00) or the maximum allowed by state statute and in addition to the monetary fine, the *tobacco and smoking products permit* shall be revoked.

4. For all establishments in violation of this article, the New Haven Health Department shall send referrals to be reviewed by the New Haven police chief and the State of Connecticut Department of Revenue Services for the renewal of Tobacco Dealers Licenses.

B. Each violation and every day in which a violation occurs shall constitute a separate offense. The decision that a violation has occurred shall be in writing mailed to the *tobacco and smoking products retailer* by the New Haven Health Department. The notice shall specify the article and section with which the *tobacco and smoking products retailer* is in violation no later than thirty (30) days from the date of the violation. *Tobacco and smoking products retailers* have the right to appeal civil penalties in accordance with this article.

C. Upon suspension or revocation of a *tobacco and smoking products permit*, all *tobacco and smoking products* shall be removed from the premises. Failure to remove all *tobacco and smoking products* shall constitute a separate violation punishable by a fine of one thousand dollars (\$1,000.00) or the maximum allowed by state statute to be set by the New Haven Health Department for every day of noncompliance.

D. A *tobacco and smoking products permit* issued under this article may be denied, suspended, or revoked by the New Haven Health Department through written notice should the *tobacco and smoking products retailer* or *tobacco and smoking products retailer's* agent, employee, or representative, directly or indirectly:

1. Sell tobacco and smoking products without a valid *tobacco and smoking products permit*;
2. Fail to pay fines issued in accordance with this article;
3. Have a *tobacco and smoking products permit* or state license revoked within the preceding twelve (12) months of the date of application;
4. Fail to provide required information or provide false or misleading information on the application for a *tobacco and smoking products permit*; or
5. Violate federal, state, or local *tobacco and smoking products* product sales and use laws.

E. Violations of this article by an advertiser, marketer, or promoter of *tobacco and smoking products*, other than a *tobacco and smoking products retailer*, shall be punishable by a fine of one thousand dollars (\$1,000.00) or the maximum allowed by state statute to be set by the New Haven Health Department per day for each day the violation continues.

F. All fines collected from violations of this article are to be deposited into a fund administered by the New Haven Health Department to cover the administrative costs for licensing, education, and training, retail inspections, unannounced compliance checks, and the regulation of marketing of *tobacco and smoking products*.

Sec. 17-184 - Phase-in applicable to certain businesses.

If a *retailer of tobacco and smoking products* demonstrates to the reasonable satisfaction of the New Haven Health Department within sixty (60) days of the effective date of this article it entered into a written agreement before the effective date of this article pertaining to the sale, advertisement, vending machine or other self-service sales method, or other marketing of *tobacco and smoking products* that would otherwise be prohibited by this article, and further demonstrates that such written agreements would be materially violated or cancelled upon the enforcement of this article against such *retailer of tobacco and smoking products*, the New Haven Health Department may issue an appropriate waiver of the strict enforcement of one or more of the provisions of this chapter, but only as to the specific business relationship, which waiver shall not be granted for a period in excess of two (2) years from the effective date of the agreement or for the length of the agreement, if the agreement is for a shorter period of time.

Sec. 17-185 - Public education.

The New Haven Health Department shall engage in a continuing public health education program to explain and clarify the purposes and requirements of this article to citizens affected by it and to guide *tobacco and smoking products retailers* in their compliance. The program may include publication of a brochure for affected *tobacco and smoking products retailers* explaining the provisions of this article and signage mandated by this article.

Sec. 17-186 - Rulemaking authority.

The New Haven Health Department is hereby authorized to promulgate rules and regulations to carry out the purpose and intent of this article as approved by the Board of Alders to protect the public health, safety, and welfare of residents.

Sec. 17-187 - Appeals Procedure.

- (a) The mayor shall appoint one or more hearing officer(s), who shall not be a city employee, to conduct the hearings authorized by this section. Such hearing officer shall serve without pay. The mayor may remove any such hearing officer at any time for any reason deemed sufficient.
- (b) If a *retailer of tobacco and smoking products*, who is sent a violation by the health department, wishes to admit liability for the alleged violation, the retailer may, without requesting a hearing, pay the full amount of the fine(s) in person or by mailing the payment in full to the city. Such payment shall be inadmissible in any proceeding, civil, or criminal, to establish the conduct of a retailer or person making the payment. Any retailer who does not deliver or mail written demand for a hearing within ten (10) days of the date of receipt of the violation, shall be deemed to have admitted liability, and the designated hearing officer shall certify such retailer's failure to respond to the health department. The hearing officer shall enter and assess the fine(s) and shall follow the procedures for obtaining a court judgment.
- (c) Any retailer who requests a hearing shall be given written notice of the date, time, and place for the hearing. Such hearing shall be held not less than fifteen (15) days, nor more than thirty (30) days, from the date of the mailing of the citation, unless the retailer requesting the hearing agrees to an earlier date. The hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The city shall present for the hearing a certified copy of the original notice of violation, and this certified copy shall be deemed to be a business record within the scope of Connecticut General Statutes, Section 52-180 and evidence of the facts contained therein. The health department may, but is not required, to appear at the hearing, but shall be required to appear if the owner specifically requests the health department's

presence. A retailer, who wishes to contest liability, shall appear at the hearing and may present evidence, or the retailer may request that the hearing be conducted by mail and may submit documents and copies of reports for the hearing officer's review. The hearing officer may grant a request for a hearing by mail or may determine at any time (including after a hearing by mail has been granted and started) that a hearing in person is necessary to fairly adjudicate the matter, and that the retailer must appear in person at a hearing. If the health department is not able to attend the hearing, and the presence of the health department has not been specifically requested by the retailer, a designated city official, other than the hearing officer and other than the health department, may present evidence on behalf of the city.

- (d) If the retailer fails to appear or fails to request a hearing by mail within the timeframe set forth above, the hearing officer may enter a default decision upon finding proper notice and liability under applicable law. The hearing officer shall conduct the hearing in order and form and with methods of proof as deemed fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce the decision at the end of the hearing. If the hearing officer determines the retailer is not liable, the hearing officer shall dismiss the matter and enter a decision in writing accordingly. If the hearing officer determines that the person is liable for the violation(s), the hearing officer shall enter and assess the fines against the retailer and levy such fines as provided for herein. The hearing officer shall forward a notice of assessment to the health department for further action. The city shall have all rights and remedies available under applicable law with respect to the collection of fines.

Sec. 17-188- Liberal construction.

This article shall be construed liberally to further its purposes.

Sec. 17-189 - Severability.

The provisions of this section are hereby declared severable, and if any provision, clause, sentence, or paragraph of this article or the application thereof to any person or circumstances held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such a ruling shall not affect the other parts of this article that can be given effect.

Sec. 17-190 - Effective date.

The effective date of this article shall be September 1, 2025.

Secs. 17-191—17-200. - Reserved.

ARTICLE XX. FEES AND CHARGES¹

Sec. 17-201. Permit, license and user fees.

Health Department

Tobacco and Smoking Products Permit— annual fee \$150.00

Tobacco and Smoking Products Permit renewal—late penalty fee \$150.00

ARTICLE VI. PROHIBITING THE USE OF ALL FORMS OF TOBACCO IN CITY PARKS, ON SCHOOL GROUNDS AND ON ANY OTHER DESIGNATED CITY-OWNED PROPERTY²

Sec. 16-141. Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

Enforcement. All law enforcement officers of the city; the mayor of the city and/or her designees; the chief of the police department and/or his designees.

Recreational property. Property owned by the city and which is under the supervision and control of the city's department of parks, recreation and trees and used in connection with recreational programs, including athletic facilities, parks, playgrounds, trails and other areas where people may assemble for recreational purposes. This also includes any community, recreation or senior center building located on park property. Recreational property shall not include school grounds.

School grounds. A parcel of land or portion thereof used for school purposes and operated by the City of New Haven Board of Education.

Tobacco product. The use of any tobacco product in all of its forms, including but not limited to a lighted cigarette, cigar, pipe, or similar device, such as all electronic cigarettes (e-cig, e-hookah, vape pen, electronic nicotine delivery system), as well as chew tobacco and snus.

(Ord. No. 1772, § A, 5-18-15)

Sec. 16-142. The use of any tobacco product is banned in designated public places.

It shall be prohibited, at all times, for an individual to use any tobacco product in any form while in a city park or other city-owned recreational property, on public school grounds, or on any other designated city-owned property.

(Ord. No. 1772, § B, 5-18-15)

Sec. 16-143. Enforcement.

Members of the New Haven Police Department shall be charged with the enforcement of this article. Such officer of the department shall inform the violator of this article and take enforcement action when a violation has occurred.

(Ord. No. 1772, § C, 5-18-15)

Sec. 16-144. Penalty for violation.

Police officers or other such designated authorized officials may issue a citation for violation of this chapter. Persons receiving said citations shall be deemed to have committed an infraction and

shall be fined not more than one hundred dollars (\$100.00) for each violation of any provision of this article. Such citation may be on a form as prescribed by the City of New Haven.

(Ord. No. 1772, § D, 5-18-15)

Sec. 16-145. Signage.

City parks, city-owned recreational areas, public school grounds and other specified sections of city-owned property where tobacco use has been banned pursuant to this chapter shall be so designated by signs that give notice of those areas of prohibition. The city shall post a sign or signs on such properties stating that it is a "Tobacco-Free Zone" to indicate that said property is subject to this article. Said sign or signs shall identify this ordinance by number, and shall state the penalty amount for violating this article.

(Ord. No. 1772, § E, 5-18-15)